

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION
CIVIL CASE NO. 4:94cv66**

RAYMOND ROGER LEDFORD,)	
Administrator of the Estate of)	
William Newell Ledford, Deceased,)	
et al.,)	
)	
Plaintiffs,)	
)	
vs.)	<u>ORDER</u>
)	
)	
ABEX CORPORATION, et al.,)	
)	
Defendants.)	
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THIS MATTER is before the Court on the Plaintiffs’ Motion to Strike [Doc. 20] and Motion to Exclude [Doc. 21].

In their first Motion, the Plaintiffs move the Court to strike Defendant Pneumo Abex LLC’s (“Abex”) experts’ testimony and reports on the grounds that Abex’s expert disclosures failed to comply with the requirements of Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure. [Doc. 20]. In response, Abex states that it was unaware that its disclosures were deficient and that the missing information has now been submitted to Plaintiffs’ counsel. [Doc. 22].

In light of the fact that Abex has now provided the required information to the Plaintiffs, the Court will deny the Plaintiffs' Motion to Strike.

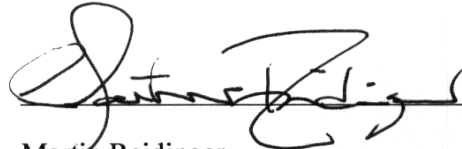
In their second Motion, the Plaintiffs move the Court to exclude the Defendant Allied Signal, Inc., successor in interest to Bendix Corporation (formerly known as Honeywell International, Inc.) ("Honeywell"), from introducing expert testimony or reports in this matter on the grounds that Honeywell never served expert reports as required by Judge Robreno's Scheduling Order. [Doc. 21]. In response, Honeywell's counsel advised the Court at the pretrial conference on April 26, 2012 that Honeywell had in fact disclosed its experts by the date required. In light of counsel's representations, the Court will deny the Plaintiffs' Motion to Exclude. The Court instructs the parties to meet and confer further regarding this issue. Should the Plaintiffs determine that Honeywell did not in fact disclose its experts as counsel has represented, Plaintiffs may renew their motion.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Plaintiffs' Motion to Strike [Doc. 20] is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the Plaintiffs' Motion to Exclude [Doc. 21] is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed: May 18, 2012


Martin Reidinger
United States District Judge

